

RCW 35.81.060 Comprehensive plan—Preparation—Hearing—Approval

—Modification—Effect. (1) A municipality shall not approve a community renewal project for a community renewal area unless the local governing body has, by ordinance or resolution, determined such an area to be a blighted area and designated the area as appropriate for a community renewal project. The local governing body shall not approve a community renewal plan until a comprehensive plan or parts of the plan for an area which would include a community renewal area for the municipality have been prepared as provided in chapter 36.70A RCW. For municipalities not subject to the planning requirements of chapter 36.70A RCW, any proposed comprehensive plan must be consistent with a local comprehensive plan adopted under chapter 35.63 or 36.70 RCW, or any other applicable law. A municipality shall not acquire real property for a community renewal project unless the local governing body has approved the community renewal project plan in accordance with subsection (4) of this section.

(2) The municipality may itself prepare or cause to be prepared a community renewal plan, or any person or agency, public or private, may submit such a plan to the municipality. Prior to its approval of a community renewal project, the local governing body shall review and determine the conformity of the community renewal plan with the comprehensive plan or parts thereof for the development of the municipality as a whole. If the community renewal plan is not consistent with the existing comprehensive plan, the local governing body may amend its comprehensive plan or community renewal plan.

(3) Prior to adoption, the local governing body shall hold a public hearing on a community renewal plan after providing public notice. The notice shall be given by publication once each week for two consecutive weeks not less than ten nor more than thirty days prior to the date of the hearing in a newspaper having a general circulation in the community renewal area of the municipality and by mailing a notice of the hearing not less than ten days prior to the date of the hearing to the persons whose names appear on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown on the tax roll. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the community renewal area affected, and shall outline the general scope of the community renewal plan under consideration.

(4) Following the hearing, the local governing body may approve a community renewal project if it finds that (a) a feasible plan exists for making available adequate housing for the residents who may be displaced by the project; (b) the community renewal plan conforms to the comprehensive plan for the municipality; (c) the community renewal plan will afford maximum opportunity, consistent with the needs of the municipality, for the rehabilitation or redevelopment of the community renewal area by private enterprise; (d) a sound and adequate financial program exists for the financing of the project; and (e) the community renewal project area is a blighted area as defined in RCW 35.81.015(2).

(5) A community renewal project plan may be modified at any time by the local governing body. However, if modified after the lease or sale by the municipality of real property in the community renewal project area, the modification shall be subject to the rights at law or in equity as a lessee or purchaser, or the successor or successors in interest may be entitled to assert.

(6) Unless otherwise expressly stated in an ordinance or resolution of the governing body of the municipality, a community renewal plan shall not be considered a subarea plan or part of a comprehensive plan for purposes of chapter 36.70A RCW. However, a municipality that has adopted a comprehensive plan under chapter 36.70A RCW may adopt all or part of a community renewal plan at any time as a new or amended subarea plan, whether or not any subarea plan has previously been adopted for all or part of the community renewal area. Any community renewal plan so adopted, unless otherwise determined by the growth management hearings board with jurisdiction under a timely appeal in RCW 36.70A.280, shall be conclusively presumed to comply with the requirements in this chapter for consistency with the comprehensive plan. [2002 c 218 s 6; 1965 c 7 s 35.81.060. Prior: 1957 c 42 s 6.]

Severability—Savings—Construction—2002 c 218: See notes following RCW 35.81.005.